

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 286

HOUSE BILL 2615

AN ACT

AMENDING SECTION 28-797, ARIZONA REVISED STATUTES; RELATING TO SCHOOL CROSSINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-797, Arizona Revised Statutes, is amended to
3 read:

4 28-797. School crossings; civil penalty; assessment; definition

5 A. The director, with respect to state highways, or the officer, board
6 or commission of the appropriate jurisdiction, with respect to county
7 highways or city or town streets, by and with the advice of the school
8 district governing board or county school superintendent may mark or cause to
9 be marked by the department or local authorities crosswalks in front of each
10 school building or school grounds abutting the crosswalks where children are
11 required to cross the highway or street.

12 B. The department or local authorities may approve additional
13 crossings across highways not abutting on school grounds on application of
14 school authorities and with written satisfactory assurance given the
15 department or local authorities that guards will be maintained by the school
16 district at the crossings to enforce the proper use of the crossing by school
17 children.

18 C. The manual prescribed in section 28-641 shall provide for yellow
19 marking of the school crossing, yellow marking of the center line of the
20 roadway and the erection of portable signs indicating that vehicles must stop
21 when persons are in the crossing. The manual shall also provide the type and
22 wording of portable signs indicating that school is in session AND THAT THE
23 CIVIL PENALTY FOR A VIOLATION OF THIS SECTION WILL BE DOUBLED WHEN THE SIGNS
24 ARE PRESENT and permanent signs that warn of the approach to school
25 crossings.

26 D. When the school crossings are established, school authorities shall
27 place within the highway the portable signs indicating that school is in
28 session. This placement shall be not more than three hundred feet from each
29 side of the school crossing. In addition, portable "stop when children are
30 in crosswalk" signs shall be placed at school crossings. School authorities
31 shall maintain these signs when school is in session and shall cause them to
32 be removed immediately when school is not in session.

33 E. A vehicle approaching the crosswalk shall not proceed at a speed of
34 more than fifteen miles per hour between the portable signs placed on the
35 highway indicating "school in session" and "stop when children are in
36 crosswalk".

37 F. Notwithstanding any other law:

38 1. An agency of appropriate jurisdiction may establish a school
39 crossing on an unpaved highway or street adjacent to a school when the agency
40 determines the need for the school crossing on the basis of a traffic
41 study. School crossings on unpaved highways and streets shall be marked by
42 the use of signs as prescribed in the manual prescribed in section 28-641.

1 2. A local authority may establish a school crossing at an
2 intersection containing a traffic control signal if the local authority
3 determines the need for a school crossing on the basis of a traffic study.

4 G. When a school authority places and maintains the required portable
5 "school in session" signs and "stop when children are in crosswalk" signs,
6 all vehicles shall come to a complete stop at the school crossing when the
7 crosswalk is occupied by a person.

8 H. IF A PERSON IS FOUND RESPONSIBLE FOR A VIOLATION OF THIS SECTION,
9 THE PERSON IS SUBJECT TO A CIVIL PENALTY FOR THE VIOLATION AND, IF THE
10 VIOLATION OCCURS DURING THE TIME PORTABLE SIGNS HAVE BEEN ERECTED PURSUANT TO
11 THIS SECTION, THE PERSON SHALL PAY AN ADDITIONAL ASSESSMENT EQUAL TO THE
12 AMOUNT OF THAT CIVIL PENALTY. THIS ASSESSMENT IS NOT SUBJECT TO ANY
13 SURCHARGE.

14 I. THE COURT SHALL COLLECT THE ADDITIONAL ASSESSMENT AT THE SAME TIME
15 THE COURT COLLECTS THE CIVIL PENALTY. PARTIAL PAYMENTS OF THE TOTAL AMOUNT
16 DUE PURSUANT TO THIS SUBSECTION SHALL BE DIVIDED ACCORDING TO THE PROPORTION
17 THAT THE CIVIL PENALTY, THE PENALTY ASSESSMENTS LEVIED PURSUANT TO SECTIONS
18 12-116.01 AND 12-116.02 AND THE ADDITIONAL ASSESSMENT IMPOSED PURSUANT TO
19 THIS SECTION REPRESENT OF THE TOTAL AMOUNT DUE. THE COURT AND THE DEPARTMENT
20 SHALL TREAT FAILURE TO PAY THE ADDITIONAL ASSESSMENT IMPOSED PURSUANT TO THIS
21 SUBSECTION IN THE SAME MANNER AS FAILURE TO PAY A CIVIL PENALTY, INCLUDING
22 TAKING ACTION AGAINST THE PERSON'S DRIVER LICENSE OR PERMIT OR PRIVILEGE TO
23 DRIVE PURSUANT TO SECTIONS 28-1601, 28-3153 AND 28-3305.

24 J. IF A PERSON IS FOUND RESPONSIBLE FOR A VIOLATION OF SUBSECTION H OF
25 THIS SECTION IN A JUSTICE COURT OR SUPERIOR COURT, THE COURT SHALL TRANSMIT
26 MONIES RECEIVED TO PAY THE ADDITIONAL ASSESSMENT TO THE COUNTY TREASURER. IF
27 A PERSON IS FOUND RESPONSIBLE FOR A VIOLATION OF SUBSECTION H OF THIS SECTION
28 IN A MUNICIPAL COURT, THE COURT SHALL TRANSMIT THE MONIES RECEIVED TO PAY THE
29 ADDITIONAL ASSESSMENT TO THE CITY TREASURER. THE CITY OR COUNTY TREASURER
30 SHALL DEPOSIT THE MONIES RECEIVED TO PAY THE ADDITIONAL ASSESSMENT IN A FUND
31 TO PAY FOR COSTS RELATED TO ENFORCEMENT OF THIS SECTION.

32 H. K. For the purposes of this section, "school in session", when
33 used either in reference to the period of time or to signs, means during
34 school hours or while children are going to or leaving school during opening
35 or closing hours.

APPROVED BY THE GOVERNOR MAY 19, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 19, 2006.